

G-008/C-91-942 ORDER DISMISSING MOTIONS AND GRANTING TIME  
EXTENSION

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm  
Tom Burton  
Cynthia A. Kitlinski  
Dee Knaak  
Norma McKanna

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Complaint  
of the Minnesota Alliance for  
Fair Competition Against  
Minnegasco, a Division of Arkla,  
Inc.

ISSUE DATE: June 16, 1992

DOCKET NO. G-008/C-91-942

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GRANTING TIME EXTENSION

**PROCEDURAL HISTORY**

On January 4, 1991, the Commission issued its ORDER INITIATING INVESTIGATION AND REQUIRING REPORT in Docket No. G,E-999/CI-90-1008, In the Matter of the Complaint of the Minnesota Alliance for Fair Competition Against Minnegasco, a Division of Arkla, Inc.. As a result of that Order, the Commission opened an investigation of appliance sales and service practices by Minnesota gas and electric utilities.

On November 27, 1991, the Minnesota Alliance for Fair Competition (MAC) filed a complaint with the Commission against Minnegasco. In its complaint, MAC made three allegations against Minnegasco: Minnegasco subsidizes its non-regulated appliance sales and service programs through its regulated operations; Minnegasco offers preferential treatment to ratepayers who purchase Minnegasco's appliance and sales service; Minnegasco inappropriately uses its customer inspection activity to promote its appliance sales and service business.

On January 29, 1992, the Commission issued its ORDER SEVERING MINNEGASCO FROM THE INVESTIGATION DOCKET, GRANTING DISCOVERY RIGHTS, REQUIRING REPORT AND AUTHORIZING COMMENT. Among other things, that Order granted MAC discovery rights regarding its complaint, contingent upon and subject to a Protective Order to be issued. The Commission also required MAC to file a report including any findings of statute or rule violations by Minnegasco within 90 days of the issuance of the Protective Order.

The Protective Order was issued by the Commission on February 24, 1992. Under the terms of the January 29, 1992 Order, MAC's report was therefore due on or before May 26, 1992.

On March 5, 1992, MAC filed a letter in which it stated that its investigation was not proceeding as quickly as it had anticipated and that a time extension might be requested at a later date.

On April 22, 1992, MAC filed a motion to compel discovery from Minnegasco. MAC sought the Commission's enforcement of certain information requests. Minnegasco filed a reply to MAC's motion on April 30, 1992.

On April 23, 1992, Minnegasco filed a motion for an appointment of a referee to resolve any discovery disputes in the ongoing complaint proceeding. MAC filed its reply to the motion on April 29, 1992.

The Department of Public Service (the Department) filed a reply to Minnegasco's motion to appoint a referee on May 4, 1992. The Department urged the Commission to deny Minnegasco's motion.

On May 19, 1992, Minnegasco and MAC filed a joint Stipulation. In the Stipulation Minnegasco withdrew its motion for appointment of a referee and MAC withdrew its motion to compel discovery. Minnegasco agreed to provide certain additional documents to MAC and limited follow-up discovery was agreed upon. The parties agreed to a request for a 30 day time extension for MAC to file its report.

The Commission met to consider the matter on May 19, 1992.

### **FINDINGS AND CONCLUSIONS**

The two motions which were before the Commission have been withdrawn by the moving parties. In their Stipulation, the parties indicated that "[a]ll issues relating to both of the ... motions have been resolved by a meeting of the parties..." The complaint process is now proceeding as originally contemplated by the Commission and the parties. The Commission will therefore dismiss the parties' motions, based on the representations in the Stipulation.

The Commission has only the requested time extension before it at this time. The time extension request is reasonable and should afford the parties the time necessary to explore the issues raised by MAC in its complaint. No parties will be harmed by the delay. The Commission will grant the 30 day time extension.

ORDER

1. Minnegasco's motion to appoint a referee and MAC's motion to compel discovery are dismissed.
2. MAC is granted a 30 day time extension to its May 26, 1992 deadline for filing a report in this matter.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster  
Executive Secretary

(S E A L)